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FAX COVER SHEET

DATE: January 10, 2005 TIME: 11:46 AM

DATE OF TRANSMISSION: January 10, 2005

From: Tangent Law Group

TIME OF TRANSMISSION: 11:46:20 AM

MATTER NUMBER: RP-001 (10/604,703)

TO:

	Name	Company	Fax No.	Telephone No.
1.	Ex. Pia Tibbits	USPTO	571-273-2086	571-272-2086
2.				
3.				
4.				
5.				
6.				

FROM:

Name: Eric J. Weierstall Telephone No.: 202-465-7180 Fax: 775-255-1161

TOTAL NUMBER OF PAGES (EXCLUDING COVER PAGE): 4

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Message:

Erica,

Please find a attached the requested copies. Thanks.

Sincerely,

Eric J. Weierstall
Tangent Law Group
Work: MOBILE (703) 328-3689
Fax: MOBILE (775) 255-1161
E-mail: ejweierstall@tangentlaw.com

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0001

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

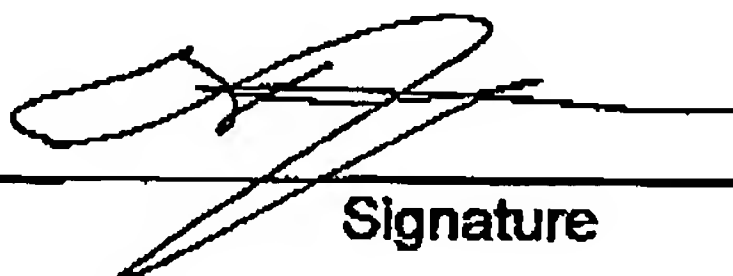
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Filing Receipt dated August 12, 2004

As-Filed copy of Response to Restriction Requirement

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0004

Filing Number

Aug 11, 2003
Filing Date

Atty. Docket No: RP-001 (Formerly WT-001)

Inventor(s): David ELDER, et al.

Re:

MULTIPLE BATTERY SYSTEM AND AUXILIARY BATTERY
ATTACHMENT SYSTEM

Application No: 10/604,703

Filing Date: August 11, 2003

Patent No.:

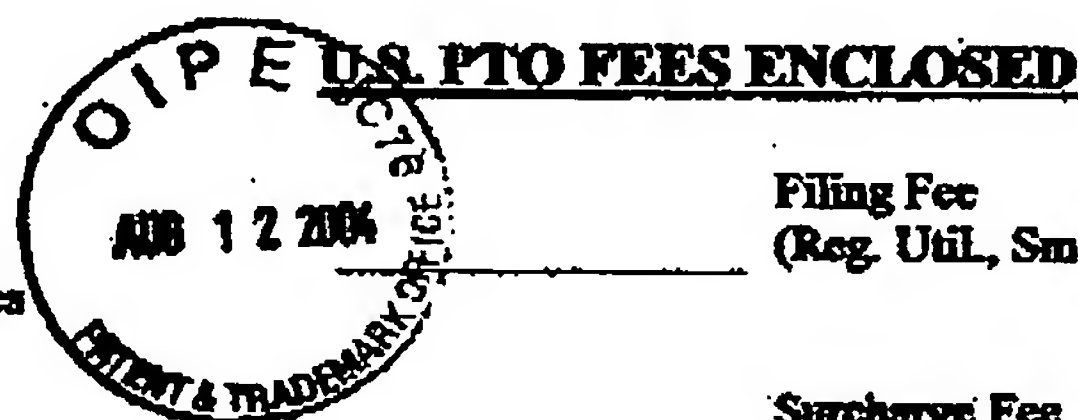
Issue Date:

Trademark:

Trademark Reg. No:

Opposition/Cancellation No:

The following items were received from Eric J. Weierstall, Alexandria, VA
by the U.S. Patent & Trademark Office:

SUBMISSIONS

New Application

Transmittal Form (PTO-SB-05)

New Reg. Utility U.S. Patent Application (pages
of specification/claims/abstract)2nd Submission of Formal Drawings

Invention Declaration and Power of Attorney

National Stage Application

Translation of International Application

Response to Notice to File Application Papers

Assignment w/Cover Sheet

Information Disclosure Statement w/ PTO-1449

Response

Preliminary Amendment

Petition/Request for Extension of Time

Notice of Appeal

Reply Brief (in triplicate)

Request for Oral Hearing

Confirmation of Hearing Petition

Issue Fee Transmittal

Certificate of Correction

Maintenance Fee Transmittal

TM Statement of Use

Declaration Under 8

Declaration Under 8 and 15

TM renewal Application

Notice of Opposition

Request For Corrected Filing Receipt

Terminal Disclaimer

Copy of Notice to File Missing Parts of Application

Drawings (Figures, Pages of Drawings)

XX

Response to Restriction Requirement

Filing Fee
(Reg. Util., Sm. Entity)

Surcharge Fee

Additional Claim Fee

Assignment Recordation Fee

Notice of Appeal Fee

Brief on Appeal Fee

Oral Hearing Request Fee

Petition Fee

Issue Fee

Maintenance Fee

TM Statement of Use

8 Affidavit Fee

8 and 15 Affidavit

TM Renewal Application Fee

Notice of Opposition Fee

Terminal Disclaimer

TOTAL FEE \$0.00

ENCLOSED:

PAYMENT MTHD. NO FEE DUE

Yellow Sheet RP001- Response to Rest Req.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David ELDER, et al.

Appln No.: 10/604,703

Filed: August 11, 2003

TC/AU: 2838

Examiner: Tibbits, Pia F.

Atty. Docket No.: RP-001

(formerly WT-001)

**RESPONSE TO RESTRICTION
REQUIREMENT****For: MULTIPLE BATTERY SYSTEM AND
AUXILIARY BATTERY ATTACHMENT
SYSTEM**

Customer No:

34253

PATENT TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir(s):

In response to the restriction requirement set forth in the Office Action mailed July 12, 2004 (Paper No. 20040712), applicant hereby provisionally elects Group II, claims 37-62, directed to a multiple battery system, in class 320, subclass 133, as the elected claims, with traverse. Applicants note their right to pursue the non-elected inventions through any and all divisional and continuation applications in accord with MPEP §§201.06(c), 601.01 and without disclaimer of subject matter and pursuant to the provisions of MPEP §804.1 and 35 USC 121.

In responding to this restriction requirement with traverse, Applicants' grounds for traversal reside in the citation in Paragraph 2 of the Action of the laws governing restrictions in design applications. The instant application is a regular utility application not a design application, therefore, it is respectfully submitted that the proper citation for

Attorney Docket Number: RP-001
Application No: 10/604,703

the restriction is, and Applicants' proceed on the grounds that the Action intended to apply, the rules set forth in MPEP §803. Applicants' therefore understand the Action as intending to assert that these groups are patentably distinct inventions under the provisions of MPEP § 806.05 and related under MPEP §806.05(c) as combination/sub-combinations. Barring an appropriate alternate reason for restriction, if the Applicants understanding is correct, then Applicant hereby withdraws their traversal of the restriction.

Applicant believes no fee is due with this response. Should the Examiner believe a teleconference would advance the prosecution of the application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully Submitted,

Date: Aug. 12, 2004



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